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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific Region

Report of the Secretary-General submitted in accordance with paragraph 10 of Commission on Human Rights resolution 1992/40

Introduction

1. In its resolution 1992/40 of 28 February 1992, entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific Region", the Commission on Human Rights recalled the various General Assembly resolutions affirming "the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region". Bearing in mind "that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions", recognizing "the valuable contribution that could be made by national institutions and non-governmental organizations in the field of human rights to the concept of regional arrangements", and recalling "that a seminar on regional arrangements for the promotion and protection of human rights was to have taken place in Jakarta in 1991", the Commission requested the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific and encouraged all member States and associate members of this organization and other parties to make full use of its depository centre.

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* Re-issued for technical reasons.

2. The Commission also encouraged once again "United Nations development agencies in the Asian and Pacific region to coordinate with the Economic and Social Commission for Asia and the Pacific in their efforts to promote the human rights dimension in their activities". It welcomed "the organization of regional workshops on various human rights issues, including regional and national institutions and arrangements for the promotion and protection of human rights, which have been held in the Asian-Pacific region" and encouraged all States in the region "to consider further the establishment of regional arrangements for the promotion and protection of human rights in the region". In this regard, it requested, "once again, the Secretary-General to organize, within existing resources, a seminar to discuss this matter in 1992".

3. The Commission appealed to "all Governments in the Asian and Pacific region to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services and technical assistance in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs". It also encouraged all States in the region "to consider ratifying or acceding to the various human rights instruments". It requested the Secretary-general "to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of the present resolution" and to submit "to the Commission at its forty-ninth session a further report incorporating information on the progress achieved in the implementation of the present resolution". The present report is submitted in response to that request. Information on the status of ratifications of Member States of the region is annexed to this report.

I. COOPERATION WITH THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

4. In a letter of 30 June 1992 addressed to the Executive Secretary of the Economic and Social Commission for Asia and the Pacific (ESCAP), the Centre for Human Rights, referring to Commission on Human Rights resolution 1992/40, drew his attention to paragraph 3 of that resolution in which the Commission encouraged all members and associate members of ESCAP and other parties to make full use of that organization's depository centre on human rights. ESCAP was also asked for its assessment of the usefulness of the human rights documents which had been forwarded to it by the Centre for Human rights.

5. In its response to this request, ESCAP informed the Centre for Human Rights that "the human rights materials, including various monographs, serials, brochures and documents received by the ESCAP library from the Centre for Human Rights, have been analysed and added to ESCAP's computerized EBIS database, making them readily available for reference services and the dissemination of human rights information to users in the Asian and Pacific region". The Deputy Executive Secretary continued by saying that "as a result, a marked increase has been observed by the ESCAP library in the awareness of and demand for human rights information among scholars, students, diplomats as well as staff members of United Nations agencies. As a back-up for ESCAP's social development division, which serves as the regional focal

point on human rights matters, the ESCAP library has provided reference services on such subjects as: women's rights, child labour, child abuse, sale of children, prostitution, refugees, AIDS/HIV and civil rights".

6. In the same letter, the Deputy Executive Secretary informed the Centre that a check-list or updated catalogue of its present holdings "would greatly assist the ESCAP library in keeping its human rights collection as comprehensive as possible". He added that "additional staff resources and modern equipment would also be required if the depository library is to be able to cope effectively with the rising demand for human rights information in the Asian and Pacific region".

7. In a note verbale dated 7 July 1992, the Centre for Human Rights informed the Government of Hong Kong, as an associate member of ESCAP, of Commission on Human Rights resolution 1992/40. In a letter dated 28 September 1992, the Government of Hong Kong declared that: "As an associate member of the Economic and Social Commission for Asia and the Pacific (ESCAP), Hong Kong would be happy to participate in the programmes to enhance understanding and implementation of human rights standards through workshops, seminars and training courses". The Government also requested "to be kept informed of the human rights materials available in the library of the ESCAP".

II. INFORMATION RECEIVED FROM UNITED NATIONS DEVELOPMENT AGENCIES IN THE ASIAN AND PACIFIC REGION

8. In letters dated 28 July and 30 June 1992, the Centre for Human Rights informed the United Nations development agencies in the Asian and Pacific region about the relevant paragraphs of Commission resolution 1992/40 and requested them to forward any suggestions for activities that they might wish to make. As of 26 November 1992, replies had been received from the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP) and the International Monetary Fund (IMF).

A. United Nations Conference on Trade and Development

9. In his letter of 12 October 1992, the Secretary-General of UNCTAD stated that the promotion and protection of human rights, both on a regional and global scale, go hand-in-hand with the activities of UNCTAD, "addressing, inter alia, such issues as good management at the national level, the elimination of poverty and the acceleration of economic growth and social development in the developing countries on a sustainable, long-term basis".

10. The Secretary-General of UNCTAD emphasized that this view had the strong support of Member States. He quoted from the final document of the eighth session of UNCTAD held in February 1992 in Cartagena de Indias, Colombia: "views have also converged on the importance, for development, of democratic systems based on popular consent and accountability, and on the stimulus that observance of human rights can give to creativity, innovation and initiative, making all human rights - civil, political, economic, social and cultural - not only a moral imperative but also an important factor for development". The Secretary-General concluded with the assurance that in pursuing activities

in the areas of its competence, the UNCTAD secretariat would be fully guided by this convergence of views with full recognition and promotion of the human rights component.

B. United Nations Development Programme

11. In his memorandum dated 15 September 1992, the Officer in charge of the Division of External Relations of the United Nations Development Programme forwarded the following contribution for inclusion in this report:

> "A meeting between representatives of the United Nations Centre for Human Rights and UNDP took place in August 1992 in order to discuss a mechanism of review and identification of projects which could be implemented jointly between the Centre and UNDP or as part of IPF funding, with the Centre in an advisory role. The Centre is also investigating ways to link up with various other United Nations agencies.
>
> It was further discussed how UNDP can work with the Centre through the UNDP field offices. The Centre is pursuing the idea of having a human rights officer in countries where the Centre is undertaking large technical assistance programmes. It was agreed that UNDP and the Centre should consider the possibility of accommodating such Human Rights Officers within the UNDP offices of the countries concerned.
>
> UNDP and the Centre would also collaborate in exploring further linkages between human rights and development."

C. International Monetary Fund

12. In his letter of 21 September 1992 the Special Trade Representative and Director of the International Monetary Fund informed the Under-Secretary-General for Human Rights that the Fund had not taken any action relating to the implementation of resolution 1992/40. He stated that the content of the resolution did not deal with matters that fall within the responsibilities of the Fund.

III. CONSULTATION WITH THE COUNTRIES OF THE ASIAN AND PACIFIC REGION

A. Views of States of the Asian and Pacific region and the United Nations on the implementation of Commission on Human Rights resolution 1992/40

13. In a note verbale dated 3 July 1992, the United Nations Centre for Human Rights drew the attention of Governments to the relevant paragraphs of Commission resolution 1992/40 and requested them to forward their views on the implementation of the resolution. As of 15 December 1992, replies had been received from Brunei Darussalam and China.

Brunei Darussalam

14. In its reply dated 17 July 1992, the Government of Brunei Darussalam wished "to reaffirm its full respect for the protection and promotion of human rights". It also expressed the view that "any arrangements or mechanism for

the implementation of these objectives must take into account and give due respect to the principles of national sovereignty and non-interference in the internal affairs of a State".

15. The Government further expressed the view that "with regard to the proposed establishment of regional arrangements in the field of human rights, such arrangements are not yet needed and necessary. It is further considered that the existing mechanisms normally undertaken through the Commission on Human Rights itself are sufficient for these purposes".

China

16. In its reply dated 28 September 1992, the Government of the People's Republic of China observed that: "Full enjoyment of human rights has long been mankind's ideal. Every country is making its own efforts to promote the general enjoyment of human rights. The Chinese Government considers that different countries' differing views on human rights and choices of measures to protect them in the light of the individual circumstances and special features of each need to be acknowledged and respected. A pattern of human rights safeguards evolved in any one region will only suit that region, and cannot be treated as a standard to be imposed on other countries and regions."

17. The Chinese Government continued: "The Asian region has its own characteristics. Hence the Asian region neither should nor can slavishly imitate the regional human rights protection mechanisms of other regions. Asian countries can, by means of increased contacts and interchanges, increase their mutual understanding, and, subject to equality, reciprocal respect and non-interference in one another's internal affairs, together explore the implications of and channels for increasing international cooperation in human rights, in order to contribute to the promotion and protection of human rights in the region."

B. Contacts between countries of the Asian and Pacific region and the United Nations

18. The United Nations, through its Centre for Human Rights, has pursued and strengthened its contacts and cooperation in the field of human rights with the countries of the Asian and Pacific region. This cooperation has developed through activities carried out under the United Nations programme of advisory services and technical assistance.

Mongolia

19. A programme of cooperation began in November 1990 to assist the Mongolian authorities in the democratization process. The programme entails the provision of advice on constitutional drafting to ensure conformity with international human rights norms and assistance in establishing a human rights documentation and library unit for the Mongolian parliament. Other components include human rights training for government officials and various governmental and non-governmental organizations concerned with human rights matters as well as assistance in the publication of a compilation of human

rights instruments translated into the Mongolian language; 10,000 copies of this compilation were being printed in late 1992 and will be widely disseminated.

20. Several other aspects of the Mongolian technical assistance project were implemented in 1992. One fellowship was awarded for comparative law study. The Centre for Human Rights recently approved a request by the Government of Mongolia to investigate the possibility of specific forms of assistance related to judicial reform. In September 1992, an expert was sent to Mongolia by the Centre to conduct a needs assessment mission. The report from this mission will form the basis of a detailed subproject to be implemented in consultation with the Government of Mongolia.

Nepal

21. In 1992 the Centre for Human Rights provided financial assistance to facilitate the translation and publication of Human Rights: A Compilation of International Instruments into Nepali.

Iran (Islamic Republic of)

22. In response to a request from the Government of the Islamic Republic of Iran, the Centre for Human Rights, in August 1992, organized a training course on the preparation of reports to the various committees established under the international human rights conventions to which this country is party. The course was attended by officials from the Ministries of Justice, Foreign Affairs, Labour, Health and the Interior as well as professors, researchers and students from several academic institutions.

Indonesia

23. Pursuant to Commission on Human Rights resolution 1992/40, the Centre for Human Rights, in cooperation with the Government of Indonesia, is organizing an Asia-Pacific Workshop on Human Rights Issues: National Institutions and Regional Arrangements. The Workshop will be held in Jakarta from 26 to 28 January 1993. It will consider, inter alia, the question of national institutions for the promotion and protection of human rights, as well as aspects concerning the establishment of regional or subregional infrastructures.

Annex

STATUS OF RATIFICATIONS BY STATES OF THE ASIAN AND PACIFIC REGION OF THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS INSTRUMENTS (AS AT 31 JULY 1992)

Explanatory note

This annex contains the status of ratifications by States parties of the Asian and Pacific region of the international human rights instruments listed below:

1. International Covenant on Economic, Social and Cultural Rights.

2. International Covenant on Civil and Political Rights.

3. Optional Protocol to the International Covenant on Civil and Political Rights.

4. Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty.

5. International Convention on the Elimination of All Forms of Racial Discrimination.

6. International Convention on the Suppression and Punishment of the Crime of Apartheid.

7. Convention on the Prevention and Punishment of the Crime of Genocide.

8. Convention on the Rights of the Child.

9. Convention on the Elimination of All Forms of Discrimination against Women.

10. Convention on the Political Rights of Women.

11. Convention on the Nationality of Married Women.

12. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

13. Convention relating to the Status of Refugees.

14. Protocol relating to the Status of Refugees.

15. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

STATES	RATIFICATIONS														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Afghanistan	x	x			x	x	x			x		x			
Australia	x	x	x	x	x		x	x	x	x	x	x	x	x	
Bahrain					x	x	x	x							
Bangladesh					x	x		x	x						
Bhutan								x	x						
Brunei Darussalam															
Cambodia	x	x			x	x	x		x						
China					x	x	x	x	x			x	x	x	
Democratic People's Republic of Korea	x	x					x	x							
Fiji					x		x			x	x		x	x	
India	x	x			x	x	x			x					
Indonesia								x	x	x					
Iran (Islamic Republic of)	x	x			x	x	x								
Iraq	x	x			x	x	x		x				x	x	
Israel	x	x			x		x	x	x	x	x	x	x	x	
Japan	x	x								x			x	x	
Jordan	x	x			x	x	x	x	x	x					
Kiribati															
Kuwait					x	x		x							
Lao People's Democratic Republic					x	x	x	x	x	x					
Lebanon	x	x			x		x	x		x					
Malaysia											x				
Maldives					x	x	x	x							
Marshall Islands															
Micronesia, Federated States of															
Mongolia	x	x	x		x	x	x	x	x	x					
Myanmar							x	x							
Nauru															
Nepal	x	x	x		x	x	x	x	x	x		x			

STATES	RATIFICATIONS														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
New Zealand	x	x[a]/	x	x	x		x		x	x	x	x[b]/	x	x	
Oman						x									
Pakistan					x	x	x	x		x					
Papua New Guinea					x		x			x			x	x	
Philippines	x	x[a]/	x		x	x	x	x	x	x		x	x	x	
Qatar					x	x									
Republic of Korea	x	x[a]/	x		x		x	x	x	x					
Samoa													x		
Saudi Arabia							x								
Singapore											x				
Solomon Islands	x				x					x					
Sri Lanka	x	x[a]/			x	x	x	x	x		x				
Syrian Arab Republic	x	x			x	x	x								
Thailand								x	x	x					
Tonga					x		x								
Tuvalu													x	x	
United Arab Emirates					x	x									
Vanuatu															
Viet Nam	x	x			x	x	x	x	x						
Yemen	x	x			x	x[c]/	x	x	x	x		x	x[c]/	x[c]/	
Number of States parties	21	20	6	2	31	23	29	24	20	20	8	8	13	11	0

[a]/ Declaration recognizing the competence of the Human Rights Committee under article 41 of the International Covenant on Civil and Political Rights.

[b]/ Declaration recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

[c]/ Ratification, accession, approval, notification or succession acceptance or definitive signature which have been given only by the former Republic of Yemen.